

## DEPARTMENT OF JUSTICE 2002-2003

### MISSION

The Department of Justice is committed to the fair and effective administration of justice and to excellence in service to the people of Nova Scotia.

### PLANNING CONTEXT

#### *Infrastructure deficiencies - courthouse and correctional facilities:*

Serious deficiencies in the physical plants have been documented for many years. Significant progress has been made by the Department in recent years to replace or renovate aging structures. For example, the new Central Nova Scotia Correctional Facility, co-located with the East Coast Forensic Psychiatric Hospital, commenced operation in 2001. Plans have been announced for the construction of a new correctional facility in Yarmouth and a new courthouse in Port Hawkesbury, with renovations to proceed in other courthouses. A long-term replacement plan is required to address all of the structural deficiencies in aging justice facilities.

#### *Youth justice:*

The federal *Youth Criminal Justice Act* was passed in February 2002 and will come into force in April 2003. This legislation will have a significant impact on the administration of the provincial youth justice system and on the programs required to support the *Youth Justice Renewal Strategy* in Nova Scotia. A comprehensive training program for all justice workers will be implemented in the coming year. The Department has been working in collaboration with other Departments through the Children and Youth Action Committee to ensure a multidisciplinary approach to youth in conflict with the law.

#### *Federal/provincial cost-sharing:*

The refusal of the federal government to assume its 50% share of cost-shared programs and services continues to create difficulties for the administration of justice in the Province. The impact is particularly significant with respect to programs and facilities for young offenders, legal aid and RCMP policing.

#### *Increased demand for services:*

The escalation of service demands, over which the Department has no control, poses serious problems for cost containment. The continuing increase in the number of court-ordered assessments, demands by the judiciary for enhanced security, and the need to provide court services to individuals with special needs are significant cost-drivers. Costs of providing legal aid and court services are frequently driven by actions taken by the Public Prosecution Service and/or Supreme Court of Canada, decisions over which the Department has no control.

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There has been an increasing trend in the number of victims who are requesting assistance and support from the Department. Over the past two years, there has been a 17% increase in client caseload and a 351% increase in client contacts. With no increase in staff, the Department's capacity to respond to the increased demand is strained.

There has been an increase in the number of highly complex trials, resulting in significant costs to the Department. These high-profile cases require additional security and occasionally interpreters - all of which place severe strains on the Departmental budget.

#### *Self-represented litigants:*

The increasing number of litigants in our courts who are self-represented has presented challenges for court staff due to increasing service demands and for the administration of justice generally as many litigants lack legal and procedural knowledge. In response, the Department is developing programs and tools to assist self-represented litigants at all court levels.

#### *Counter-terrorism:*

In the aftermath of the terrorist acts of September 11, attention has been focused in Canada, as elsewhere, on the development of capacity to respond to threats to national security. It is likely that public security issues will continue to dominate the justice agenda for the foreseeable future.

The federal government has responded with far-reaching legislation which will have significant implications for the entire criminal justice system. Effectively responding to and managing threats to public safety will require strong partnerships among all levels of government to ensure that a comprehensive strategy is developed and implemented. Within Nova Scotia, the Department has assumed a leadership role in evaluating the current capacity to respond to threats to public safety and in developing a response plan.

#### *Policing/private security services:*

After years of flux, municipal policing arrangements are stabilizing. However, rationalizing the apportionment of policing costs and the delivery of specialized services remains an outstanding issue. While municipalities are responsible for maintaining an adequate and effective police service for their communities, the challenge is to implement standards that will ensure an adequate level of service. The provision of policing services to First Nations communities continues to be an area of concern; the Department is working with these communities to ensure they are provided with adequate and effective policing.

The proliferation of private security companies within the Province underscores the need to improve the regulation of this growing industry in order to ensure public safety.

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Additional resources will be required in order for the Province to mount an effective response to organized crime, in collaboration with federal and other provincial justice partners.

### *Legal services:*

In our increasingly litigious society, demands on legal services from government departments have increased dramatically. The Department has been challenged to match Legal Services resources to client department business plans.

### *Human resource challenge:*

The Department is facing the demographic challenge of an aging workforce across all operational Divisions. A significant cohort of experienced management staff will retire over the next few years, resulting in a loss of corporate memory and the capacity to mentor new staff. Faced with increasing recruitment competition from the private sector (especially in the case of legal and information technology staff) and the federal government (legal and corrections staff), the Department is faced with a serious succession planning issue with limited resources and flexibility to respond.

### *Information management:*

The requirement for rapid exchange of information among all components of the justice system to promote public safety and enhance the administration of justice exceeds the capacity of the Department's primary information system (JOIS). In collaboration with all justice partners and the federal government the Department is embarking upon a project to develop and implement a fully integrated justice information system. The Department's ability to achieve this goal is constrained by insufficient financial and human resources.

## VISION STATEMENT

Nova Scotia is a place where people and their rights are respected. We will provide leadership in partnership with others to build a Province where:

- Citizens trust the justice system
- People are and feel safe and secure
- Disputes are effectively and sensitively resolved
- Access to Justice processes are timely and affordable
- Communities actively participate in the justice system
- Diversity is valued and respected

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#### STRATEGIC GOALS

Improve public safety and security.  
Reduce the harmful impact of crime on victims.  
Improve access to justice.  
Promote the lawful administration of public affairs.

#### CORE ACTIVITIES

1. ***Provides oversight, governance and advice to police and private security services.***

The Department is responsible for ensuring that policing services are delivered effectively by providing advisory services to municipal police services and by managing contracts with the RCMP and First Nations Policing; providing regular audits/inspections of municipal police agencies; delivering the federal firearms program; licensing companies and individuals engaged in the private security industry; and working with communities to develop and implement crime prevention programs.

2. ***Ensures provision of assistance to victims of crime.***

The Department works with justice partners and the community to develop and implement policies and programs for victims of crime that address their needs. The Department provides direct services to victims through four core programs: the Regional Victims' Services Program; the Criminal Injuries Counselling Program; the Victim Impact Statement Program; and the Child Victim Witness Program.

3. ***Provides principled dispute resolution mechanisms.***

The Department is responsible for administration of the following courts: Nova Scotia Court of Appeal, Supreme Court of Nova Scotia, Supreme Court (Family Division), Provincial Court, Family Court, Small Claims Court, Summary Proceedings Court; the management of court offices and registries (including probate and bankruptcy); management of programs in support of the Family Division, including conciliation, mediation, parent education and supervised access; security and transportation of prisoners to and from court; coordination of the Justices of the Peace program; management of the Maintenance Enforcement Program; and management of the Restorative Justice Program.

4. ***Provides correctional services.***

The Department is responsible for the administration and operation of five adult correctional institutions, two young offender facilities, and sixteen community corrections offices, which provide supervision of those serving sentences in the community.

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**5. *Provides legal services to government***

The Department provides legal advice and representation to all government departments and agencies.

**6. *Ensures, with justice partners, the proper administration of justice in the Province.***

The Nova Scotia Legal Aid Commission delivers legal representation to qualified applicants with priority for matters involving the liberty and civil rights of individual clients and for matters involving the integrity and protections of an individual's family.

The Office of the Medical Examiner conducts investigations into all deaths due to violence, undue means, culpable negligence and sudden unexplained deaths; provides written documentation including cause and manner of death.

The Office of the Public Trustee provides trustee services for incompetent adults/infants and missing persons.

### **PRIORITIES**

***Provides oversight, governance and advice to police and private security services.***

- In consultation with key public services, lead an evaluation of the Province's current capacity to respond to and manage threats to public safety, identify deficiencies, and develop and coordinate a plan to effectively address deficiencies.
- Explore legislative means to enhance public safety and security measures, including the examination of existing legislation.

***Ensures provision of assistance to victims of crime.***

- Implement the Government response to the Russell Report on the Framework for Action Against Family Violence: proclamation of domestic violence legislation; development and implementation of protocols for responding to high risk cases; development and delivery of training modules for all justice workers; establishment of domestic violence victim assistance coordinator positions to work with police agencies to provide victim assistance and support; and development of a strategy to facilitate the use of risk assessment methods by criminal justice partners in cases of spousal/intimate partner violence.
- Implement, in partnership with Public Prosecution Service, an action plan to improve the experience of child victims in the criminal justice system.

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### ***Provides principled dispute resolution mechanisms.***

- Improve access to family justice services by creating tools and providing information to self-represented litigants; and by enhancing processes to reduce delays in accessing services.
- Address the requirement to provide safe, secure and functional courthouse facilities through the construction of a new courthouse in Port Hawkesbury and renovations to various courts throughout the province.
- Implement new federal legislation which will amend the *Criminal Code* to reduce inefficiencies in the criminal justice system by providing for the use and filing of electronic documents with courts and by eliminating unnecessary court appearances by accused persons, victims and witnesses.

### ***Provides correctional services.***

- Enhance the network of safe, secure correctional facilities through the construction of a new institution in Yarmouth.
- Implement a plan to provide programs and services required to comply with the federal *Youth Criminal Justice Act*, including a comprehensive training program for all justice workers and interagency protocols to coordinate services for youth in conflict with the law.

### ***Provides legal services to government.***

- Continue to expand capacity to do government's legal work.
- Monitor and ensure that legal services engaged through the private sector are retained in accordance with the Acquisition of Private Legal Services Policy and the Employment Equity for Crown Law Agents Policy.

### ***Ensures, with justice partners, the proper administration of justice in the Province.***

- In partnership with the Nova Scotia Community College, establish a Justice Learning Centre to better respond to the training and development requirements associated with new justice legislation and programs.
- Enhance accountability mechanisms in respect of entities for which the Minister of Justice is accountable to the House of Assembly.
- Support the federal government in their plan to implement a national sex offender registry.

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- Redevelop the Justice Oriented Information System to meet the requirements and objectives of new federal youth legislation and to facilitate data exchange among justice stakeholders.

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**BUDGET CONTEXT**

| <b>Department of Justice - Estimated Budget Expenditures by Core Business</b>        |                           |                       |
|--------------------------------------------------------------------------------------|---------------------------|-----------------------|
| Core Business                                                                        | Prior Year<br>2001 - 2002 | Budget<br>2002 - 2003 |
|                                                                                      | \$ Millions               | \$ Millions           |
| Provides oversight, governance and advice to police and private security services.   | 64.1                      | 65.2                  |
| Ensures provision of assistance to victims of crime.                                 | 1.8                       | 2.0                   |
| Provides principled dispute resolution mechanisms                                    | 38.7                      | 40.7                  |
| Provides correctional services                                                       | 42.7                      | 41.7                  |
| Provides legal services to government                                                | 5.7                       | 7.0                   |
| Ensures, with justice partners, the proper administration of justice in the Province | 13.2                      | 14.5                  |
| Administration and Support                                                           | 12.1                      | 13.7                  |
| Total - Gross Current                                                                | 178.3                     | 184.8                 |
| Total - Program Expenses Net of Recoveries                                           | 89.4                      | 93.0                  |
| Salaries and Benefits                                                                | 70.5                      | 73.9                  |
| Funded Staff (FTEs)                                                                  | 1,378                     | 1,369                 |

| Core Business Area: Provide oversight, governance and advice to police and private security services |                                                                                         |                                                                                                               |                                               |                           |                                     |                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome                                                                                              | Indicator                                                                               | Measure                                                                                                       | Base Year Measure                             | Target 2002/03 (optional) | Target 2004/05                      | Strategies to Achieve Target                                                                                                                                                             |
| Successful implementation of aboriginal policing agreements in targeted communities                  | Implementation of native policing contracts (provincial contribution not to exceed 48%) | Number of aboriginal communities with tripartite agreements pending in areas where a need has been identified | Agreements pending in 4 communities (2000/01) |                           | Signed agreements for 4 communities | Negotiations with aboriginal communities and consultations with federal departments of Solicitor-General and Indian and Northern Affairs to reach concurrence on outstanding agreements. |
| Effective and efficient policing services                                                            | Implementation of self-audit program for municipal police services                      | Percentage of municipal police services with self-audit program in place                                      | Less than 20% (2000/01)                       | 50 to 60%                 | 90 to 100%                          | Develop a comprehensive audit policy and self-audit curriculum training standard. Coordination of training to allow for adherence to newly established policy and standard.              |

| Core Business Area: Ensure Provision of Assistance to Victims of Crime |                                                              |                                                                                                                                                                              |                                     |                           |                        |                                                                                                                                               |
|------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome                                                                | Indicator                                                    | Measure                                                                                                                                                                      | Base Year Measure                   | Target 2002/03 (optional) | Target 2004/05         | Strategies to Achieve Target                                                                                                                  |
| Timely provision of service                                            | Time between referral and contact                            | Percentage of cases where contact with client is initiated within 5 days of referral (Regional Victim Services)                                                              | 81%<br>(2000/01)                    |                           | 85%                    | Active monitoring of time from referral to initial contact by RVS Program manager.                                                            |
| Timely provision of service                                            | Time between application submitted and decision rendered     | Median number of days from date application received until decision rendered (Criminal Injuries Counseling program)                                                          | 51 days<br>(2000/01)                |                           | 40 days or less        | Active monitoring of time of processing of CIC cases by program manager.                                                                      |
| Satisfied clients                                                      | Level of client satisfaction                                 | Client assessment of service on 5 point scale with 1 being poor and 5 being excellent (Child Victim Witness Program - client interview)                                      | Average score of 4.5<br>(2000/01)   |                           | 4.0 out of 5 or higher | Active monitoring of closure questionnaire for all cases involving child victim witnesses by Coordinator, Community Programming and Research. |
| Effective targeting of service                                         | Percentage of clients served that are in high priority group | Percentage of cases for Regional Victim Services and Criminal Injuries Counseling program(s) that are in priority group (e.g., domestic violence cases, sexual assault etc.) | RVS - 71%<br>CIC - 84%<br>(2000/01) |                           | RVS - 75%<br>CIC - 80% | Outreach and promotion to key referral sources.                                                                                               |

| Core Business Area: Provide principled dispute resolution mechanisms |                                                                     |                                                                                                                        |                            |                           |                         |                                                                                                                                                   |
|----------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome                                                              | Indicator                                                           | Measure                                                                                                                | Base Year Measure          | Target 2002/03 (optional) | Target 2004/05          | Strategies to Achieve Target                                                                                                                      |
| Reduced delay in family court processes                              | Time between initiation and completion of conciliation              | % of cases that completed conciliation process within 6 months or less of initiation                                   | 50%<br>(1999/00)           | 60%                       | 70%                     | Improve case processing through streamlining of documentation; appropriate allocation of staffing resources; and, more effective case management. |
| Child support payments paid on time and in full                      | Child support collection rate                                       | % of money owed in child support that is collected                                                                     | 72%<br>(2000/01)           | 73%                       | 74%                     | Actively pursue cases in default, particularly those that have never paid.                                                                        |
| Satisfied clients                                                    | Level of client satisfaction with court-based conciliation services | Client rating of conciliator performance on 10 point scale with 1 indicating low satisfaction and 10 high satisfaction | 8.3 out of 10<br>(2000/01) | 7.5 out of 10 or higher   | 7.5 out of 10 or higher | Maintain high client satisfaction through continued emphasis on quality service and staff training.                                               |

| Core Business Area: Provides correctional services |                                                                                          |                                                                                                                                   |                                                |                           |                                                        |                                                                                                                                                                 |
|----------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome                                            | Indicator                                                                                | Measure                                                                                                                           | Base Year Measure                              | Target 2002/03 (optional) | Target 2004/05                                         | Strategies to Achieve Target                                                                                                                                    |
| Effective use of alternatives to incarceration     | Ratio of offenders under community supervision to offenders in institutions <sup>1</sup> | Offenders on probation and conditional sentence, temporary absence, day parole divided by the number of offenders in institutions | 12.7 to 1 adult<br>8.5 to 1 youth<br>(2000/01) |                           | 14 to 1 or greater (adults) 10 to 1 or greater (youth) | Use of temporary absence program, parole, diversion programming, fine options, other alternatives to reduce the need to incarcerate sentenced offenders.        |
| Safe & secure facility operations                  | Escapes from custody                                                                     | # of escapes/annum                                                                                                                | 3<br>(2000/01)                                 | 0                         | 0                                                      | Convert additional facilities for podular design. Make other modifications to structures and procedures to train staff in Nova Scotia Direct Supervision model. |
| Reduced recidivism                                 | Recidivism rate                                                                          | % of incarcerated young offenders who re-offend within one year                                                                   | 54%<br>(1996) <sup>2</sup>                     | 52%                       | 50%                                                    | Restorative Justice, Centre 24-7, Intensive Support & Supervision and other programs designed to reduce recidivism among youth.                                 |
| Reduced incarceration of young offenders           | Lower in-house population counts                                                         | Daily in-house population counts                                                                                                  | 147<br>(2000/01)                               |                           | 124                                                    | Intensive Support & Supervision program.                                                                                                                        |

<sup>1</sup>Ratios could be influenced by decreasing community caseloads and/or increasing custodial sentences, independent of the impact of the strategies employed.

<sup>2</sup>This figure refers to offenders who were incarcerated in 1996 and who subsequently re-offended within one year of release.

| Core Business Area: Provide legal services to Government |                                          |                                                      |                       |                           |                |                                                                                            |
|----------------------------------------------------------|------------------------------------------|------------------------------------------------------|-----------------------|---------------------------|----------------|--------------------------------------------------------------------------------------------|
| Outcome                                                  | Indicator                                | Measure                                              | Base Year Measure     | Target 2002/03 (optional) | Target 2004/05 | Strategies to Achieve Target                                                               |
| Cost-effective delivery of legal services                | Cost of procuring outside legal services | Annual cost to Government of private legal services. | \$5.3 m.<br>(2000/01) |                           | \$3m.          | Build capacity within Legal Services to do as much of Government's legal work as possible. |

